

REMARKS

This amendment is offered as a complete response to the office action mailed on October 6, 2003. In the office action the examiner made FINAL the restriction requirement according to which applicants elected the claims of Group I, i.e., claims 11 – 24.

In the office action the examiner further states that the elected claims contain distinct species of the claimed invention: “The species wherein the solder comprises a tin/lead eutectic and a silver alloy.”

The examiner states that applicants are now required under 35 U.S.C. 121 to further elect a single disclosed species for prosecution on the merits to which the claims shall be further restricted if no generic claim is finally held to be allowable. The examiner identified claim 11 as generic.

The undersigned thanks the examiner for acknowledging that multiple search areas are relevant to the generic claim 11, i.e., embodiments incorporating tin/lead eutectics and silver alloys. However, of the 12 dependent claims remaining after the first election (Group I), only claim 15 is expressly directed to an assembly having solder comprising tin/lead eutectic and only claim 19 is directed to an assembly having solder comprising a silver alloy.

The examiner requires that prosecution now be limited to one distinct species. The undersigned does not wish to traverse the examiner’s finding of two distinct species. Neither does the undersigned wish to forego examination of all but one of the 12 dependent claims. Accordingly, claims 15 and 19 are now cancelled such that the examiner may proceed with examination of one generic claim and 10 dependent claims.

The examiner has confirmed at page 3 of the outstanding office action that, upon allowance of the generic claim “applicant will be entitled to consideration of claims to additional species which are written in dependent form or otherwise include all the limitations of an allowed generic claim.” Accordingly, applicants reserve the right to reinstate claims 15 and 19 upon a finding that the generic claim is allowable.

If the examiner disagrees with this amendment or otherwise wishes to discuss the examination of this application, the examiner is cordially invited to telephone the undersigned.

Respectfully submitted,



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